

TIVERTON TOWN COUNCIL AGENDA

**Tiverton Town Hall
343 Highland Road
Tiverton, Rhode Island 02878**

AMENDED

Regular Meeting: Monday, December 9, 2013 at 7:00 p.m.

NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 forty-eight (48) hours in advance of the meeting date.

DATE POSTED: 12-05-2013

1. PLEDGE OF ALLEGIANCE TO THE FLAG

2. ROLL CALL

Edward Roderick-President
Denise M. deMedeiros-Vice President
James J. Arruda

Joan B. Chabot
William P. Gerlach

Jay J. Lambert
Brett N. Pelletier

3. APPROVAL OF CONSENT AGENDA

All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

4. A. BUSINESS BROUGHT BEFORE THE COUNCIL

CONSENT AGENDA:

- (C.A.) 1. a. Approval of Amended Minutes Regular Council Meeting November 12, 2013
- b. Approval of Minutes Regular Council Meeting November 25, 2013
Councilor Roderick Abstained - Absent
- c. Approval of Executive Session Minutes November 25, 2013
Councilor Roderick Abstained - Absent
- d. Approval of Council Workshop Minutes November 19, 2013
Councilor Roderick Abstained - Absent

- (C.A.) 2. Receipt of Minutes from the Following Boards, Commissions
 - a. Fogland Beach Oversight Committee
 - b. Prevention Coalition

- (C.A.) 3. Correspondence – Receive and File
 - a. Prevention Coalition November News Letter

- (C.A.) 4. Town Clerk – Extension of Bay Street Moratorium to June 30, 2014

- (C.A.) 5. Thomas Ramotowski, Chairman Fogland Beach Oversight Committee – Request Update of Chapter 54 Town Code Regarding Dogs in the Fogland Conservation Area – Referred to Town Solicitor

- (C.A.) 6. Kate Michaud, Administrative Officer – November Activities Report and Memorandum to Commissions, Water Districts, Departments, etc. Seeking Input on Form Based Code as Follow-up to Joint Council/Planning Board Workshop

- (C.A.) 7. Distribution of Department Head Monthly Reports for November

A-8- OPEN PUBLIC FORUM FOR ANNOUCEMENTS, COMMENTS, QUESTIONS

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

1. Public Hearing on Proposed Ordinance Amendment – Appendix C, Sewers and Sewage Disposal – Article IX, Onsite Wastewater Management - Section 18-9.6 (3) Education Program and Phased Implementation

C. TOWN COUNCIL SITTING AS BOARD OF LICENSING ADVERTISED PUBLIC HEARINGS

1. Hess Gas Station #39211, 1308 Crandall Road – Request to Expand Victualling License to Operate Between 2:00 AM and 6:00 AM (24 Hours) – Subject to Meeting All Legal Requirements

D - APPOINTMENTS & RESIGNATIONS:

E - UNFINISHED BUSINESS:

F – FINANCIAL BUSINESS

1. Interim Administrator – Tax Assessor David Robert
 - a. Request Approval of Annual Salary Increase Effective December 11, 2013
2. Industrial Park – Request Authorization for Payment of Promissory Note Due to Paul Giroux d/b/a Giroux & Co - \$12,500 Settlement Agreement and Mutual Release

G - NEW BUSINESS:

1. Sandywoods Land Trust LLC – Request Acceptance by the Town of Roosevelt Drive and a Portion of Cornell Road (Extension of the Northern End) and Authorization to Release Surety
 - a. Planning Board Recommendation
2. Thomas Ramotowski, Chair Fogland Beach Oversight Committee- Cooperative Agreement Between the Town and RIDEM Regarding Fogland Boat Launch Expiring on December 30, 2014
3. Thomas Ramotowski, Chair Tiverton Conservation Commission – Update to Council Regarding Town's Drinking Water Reservoir Ordinance – Update on Stafford Pond Issues Related to Preserving the Pond's Water Quality
4. Councilors Gerlach and Pelletier – Update on Planning for a Local Business Forum Event in Partnership With the EDC and Approval of Funding

H – BIDS AND REQUESTS FOR PROPOSALS

I - TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS

J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS

K – TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS

1. LAL Construction, Inc. et al v. Town of Tiverton

- a. Notice of Hearing on Motion - Friday, January 17, 2014 at 10am in U.S. District Court
 - b. Atty Brainsky Notice to Take Deposition of James Goncalo
2. Sakonnet River Bridge Tolls Litigation
 - a. Document #62 Declaration of Expert, #60 Plaintiff's Motion for Partial Summary Judgment, #61 Plaintiff's Statement of Undisputed Facts, #60-1 Memo in Support of Summary Judgment
 - b. Document #67 Plaintiff's Response to Motion to Strike, #66 Reply Memorandum in Support of Motion Summary Judgment, #64-2 Exhibit B, #64-1 Exhibit A, #64 Defendant's Objection to Motion for Summary Judgment, #65 Defendant's Motion to Strike Declaration in Support of Plaintiff's Motion for Summary Judgment
 - c. Notice of Hearing on Motions – Wednesday, December 11, 2013
3. Proposed Ordinance Amendment – Chapter 30, Article II Municipal Court
 - a. Schedule Public Hearing January 27, 2014
4. Letter to Quarry License Holders

L- TOWN CLERK ITEMS AND ANNOUNCEMENTS

5. CLOSED EXECUTIVE SESSION

1. Solicitor – 42-46-5(a)(2) – Pending Litigation – Solicitor – 42-46-5(a)(5) - Acquisition of Real Property for Public Purposes – Stone Bridge Gas Station
2. Town Solicitor - 42-46-5(a)(4) – Investigation – Maintenance Foreman
3. Town Solicitor – 42-46-5(a)(2) – Litigation - Larry Faulkner vs. Town of Tiverton – C.A. No: NC-13-0443
4. Town Solicitor – 42-46-5(a)(2) - Litigation – Sandywoods Homes, Inc. et. al. v David Robert in His Capacity of Tax Assessor for Town of Tiverton
5. Town Solicitor – 42-46-5(a)(2) – Litigation – Bay Street Contamination

A portion of this meeting may be held in executive session pursuant to the Open Meeting Law, Section 42-46-5(a) of the General Laws of Rhode Island, 1956 (1986 Reenactment), as amended

6. ADJOURNMENT Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”